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**IN THE UNITED STATES DISTRICT COURT  
CENTRAL DIVISION, DISTRICT OF UTAH**

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<b>CATHLIN PEEL,</b>	:	<b>Civil No. 2:09-cv-01017</b>
<b>Plaintiff,</b>	:	<b>REPORT &amp; RECOMMENDATION</b>
<b>vs.</b>	:	<b>MAGISTRATE JUDGE BROOKE C. WELLS</b>
<b>DANIEL J. ROSE, et. al.</b>	:	<b>DISTRICT COURT JUDGE CLARK WADDOUPS</b>
<b>Defendant.</b>		

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On June 29, 2010, the District Court issued an Order adopting this magistrate's Report and Recommendation denying Defendant Daniel Rose's motion for consideration of lodged filings and motion to dismiss.<sup>1</sup> Additionally, the District Court adopted the recommendation that Plaintiff Cathlin Peel have until July 30, 2010, to formally serve Mr. Rose with a copy of the complaint and summons indicating that "if service is not effected by that date, this case will be dismissed, unless good cause can be shown why service was not completed."<sup>2</sup> On August 2, 2010, Mr. Rose filed his currently pending "Motion To Dismiss" requesting that plaintiff's claims be dismissed for

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<sup>1</sup>Document Number 66.

<sup>2</sup>Id.

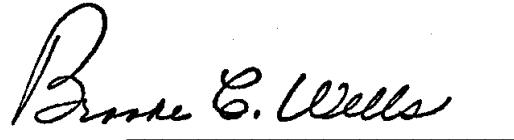
failure to effect service by the designated date of July 30, 2010.

Plaintiff has not filed a response to the pending motion, nor has she provided good cause for her failure to effectuate timely service of the complaint and summons upon Mr. Rose consistent with the District Court's ruling.

Consequently, defendant's Motion To Dismiss is hereby granted.

DATED this 8th day of September, 2010.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Brooke C. Wells", is written over a horizontal line.

Brooke C. Wells  
United States Magistrate Judge